

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:	COMPLAINT NO. R9-2002-0296
)
RANCHO CALIFORNIA WATER)
DISTRICT - WELL NO. 121)
DISCHARGE TO SANTA GERTRUDIS)
CREEK, TEMECULA, CALIFORNIA)
)
NONCOMPLIANCE WITH)
<u>ORDER NO. 2001-96</u>)
)

FOR
ADMINISTRATIVE CIVIL LIABILITY
WITH
MANDATORY MINIMUM PENALTIES

September 18, 2002

**RANCHO CALIFORNIA WATER DISTRICT IS HEREBY GIVEN NOTICE
THAT:**

1. Rancho California Water District is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, California Water Code (CWC), Section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the SDRWQCB on November 13, 2002 at the Water Quality Control Board Meeting Room, located at 9174 Sky Park Court, Suite 100, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, Rancho California Water District will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the SDRWQCB. Additional notice of this public hearing and the hearing procedures will be provided to Rancho California Water District prior to the hearing date with the agenda for the SDRWQCB meeting on that date.
3. At the hearing, the SDRWQCB will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

During the period from April 2002 through June 2002 Rancho California Water District - Well No. 121 Discharge to Santa Gertrudis Creek violated Order No. 2001-96, *NPDES No. CAG919002, General Waste Discharge Requirements For Groundwater Extraction*

Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region except for San Diego Bay. One serious violation for the total phosphorous average monthly effluent limitation occurred on June 16, 2002, as reported in the Discharger Self-Monitoring Reports during this time period.

The following facts are the basis for the alleged violations in this matter:

1. Rancho California Water District – Well No. 121 is approved to discharge the effluent from its dewatering project to Santa Gertrudis Creek under the provisions of Order No. 2001-96.
2. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation and each additional serious violation in any period of six consecutive months, or, in lieu of the penalty, require the discharger to spend an equal amount for a supplemental environmental project, or to develop a pollution prevention plan.
3. Attachment No. 1 is a summary of the effluent limitations set forth in Order No. 2001-96 and the violations by Rancho California Water District during the April – June 2002 reporting period.
4. Attachment No. 2 is a copy of the April – June 2002 quarterly monitoring report.
5. One serious violation, for the total phosphorous average monthly limitation that occurred on June 16, 2002, is assessed, giving a total of \$3,000 in mandatory minimum penalties.

PROPOSED CIVIL LIABILITY

Pursuant to Section 13385 (h) of the California Water Code, mandatory minimum penalties should be imposed on Rancho California Water District by the SDRWQCB in the amount of \$3,000, the amount of the mandatory minimum penalty, for the above violations.

Dated this 18th day of September 2002

By: 
JOHN H. ROBERTUS
Executive Officer

Attachment No. 1
Violation Summary for Rancho California Water District – Well No. 121 Discharge To Gertrudis Creek
April 2002 through June 2002

<u>Date of Violation</u>	<u>Violation</u>	<u>Permitted Limitation</u>	<u>Reported Value</u>	<u>Pollutant Category</u>	<u>Ratio, Reported: Permitted</u>	<u>Serious/ Chronic</u>	<u>Water Code Section 13385</u>	<u>Penalty</u>
6/19/2002	Total Phosphorus average monthly effluent limit (AMEL)	0.1 mg/L	0.18 mg/L	1	1.8	Serious	(h)(1)	\$3,000

Total Penalty: \$3,000

Ratio, Reported:Permitted is used for determining whether a violation is serious or chronic based on the category of the pollutant.



NELAP #02101CA ELAP#1156
 6100 Quail Valley Court Riverside, CA 92507-0704
 P.O. Box 432 Riverside, CA 92502-0432
 PH (909) 653-3351 FAX (909) 653-1662
 e-mail: esbsales@aol.com
 www.babcocklabs.com

Client Name: Rancho California Water Dist.
 Contact: Craig Elitharp
 Address: P.O. Box 9017
 Temecula CA, 92589

Analytical Report: Page 2 of 3
 Project Name: DW-CC
 Project Number: 25000
 Report Date: 02-Jul-2002

Laboratory Reference Number
A2F0939-01

Sample Description
 Well #121

Matrix
 Liquid

Sampled Date/Time
 06/19/02 11:15

Received Date/Time
 06/19/02 13:45

Analyte(s)	Result	*RDL	Units	Method	Analysis Date	Analyst	Flag
Alions							
nitrate as N	ND	0.2	mg/L	EPA 300.0	06/20/02 10:36	DT	
Aggregate Properties							
pH	7.7	1.0	pH Units	SM 4500H+ B	06/19/02 19:58	rab	
Solids							
Total Suspended Solids	ND	5	mg/L	SM 2540D	06/24/02 00:00	idt	
Settleable Solids	ND	0.1	m/L	SM 2540F	06/20/02 17:55	idt	
General Inorganics							
Sulfide	ND	0.10	mg/L	SM 4500S-D	06/19/02 19:57	rab	
Nutrients							
Nitrite as N	ND	0.10	mg/L	SM 4500NO2 B	06/20/02 09:15	la	
Kjeldahl Nitrogen	2.3	0.10	mg/L	EPA 351.2	06/28/02 10:18	sil	
Total Nitrogen	ND	0.20	mg/L	Calculation	06/20/02 12:28	saf	
Total Phosphorus	0.18	0.05	mg/L	SM 4500P-B-E	06/28/02 11:30	hga	

*Reportable Detection Limit



SUMMARY REPORT FOR AN ACUTE TOXICITY TEST USING *Pimephales promelas*
Test Dates: 23 - 27 April, 2002

Report Issued by:
MEC Analytical Systems, Inc.
Blossay Division
98 Main St. #428
Tiburon, CA 94920

Report Issued to:
Rancho California Water District
P.O. Box 9017
Temecula, CA 92589

REPORT DATE: 6/5/02
PROJECT #: 0945-001

SAMPLE AND BIOASSAY INFORMATION

TEST INFORMATION

Control Water: Moderately Hard Diluted Mineral Water
Exposure Volume: 250 mL
Test chambers: 600 mL beakers
Treatments: 3
Concentrations (%): 100%
Organisms/chamber: 10
Duration: 4 days

SPECIES INFORMATION

Species: *Pimephales promelas*
Source: Aquatic BioSystems, Inc.
Fort Collins, CO
Age: 8 days
Mean Wt. (mg): 0.22

SAMPLE INFORMATION

Sample Type: Effluent
Client Sample ID: Well 121
Client PO: N/A
Sample Date: 4/22/02, 4/24/02
Sample Received: 4/23/02, 4/25/02
MEC Sample ID #: T020423.01, T020425.01

SAMPLE RECEIPT WATER QUALITY

Ammonia (ppm): 1.91, 1.99
Total Cl₂ (ppm): 0.03, 0.00
Alkalinity (mg/L): 236, 240
Hardness (mg/L): 275, 290
Salinity (ppt): 0.0, 0.0

TEST SUMMARY

Treatment	Conc. (%)	Water Quality Summary			
		Temp. (°C) Min./Max.	pH Min./Max.	DO (mg/L) Min./Max.	Cond. Min./Max.
Well 121	Control	19.0/19.1	8.05/8.29	8.6/9.2	215/288
	100	19.0/19.1	8.40/8.60	8.4/9.1	1046/1137

DATA ANALYSIS SUMMARY

Treatment	Conc. (%)	Mean Survival (%)
Well 121	Control	90
	100	77

NARRATIVE SUMMARY

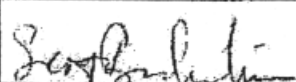
Data analysis using US EPA prescribed statistical methods detected no significant difference in survival between control and the Well 121 sample.

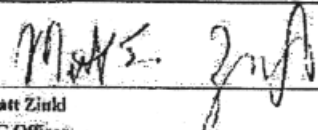
REFERENCE TOXICANT SUMMARY

Reference Toxicant: Potassium Chromate
Concentrations: 7.5, 15, 30, 60, 120 mg/L
Organisms/chamber: 10
Exposure volume: 250 mL
Test chambers: 600 mL beakers

Conc. (mg/L)	Mean % Survival
Control	90
7.5	90
15	93
30	17
60	3
120	0

Survival
LC50 (mg/L): 22.6
Lab Mean LC50: 35.8±14.7
NOEC (mg/L): 15.0
Lab Mean NOEC: 19.4±14.3


 Scott Bodensteiner
 Project Manager


 Matt Zink
 QC Officer

References: USEPA 1993. EPA/600/4-93/027F.